

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X

RANDY JOHNSON, individually and on  
behalf of all others similarly situated

Plaintiff,

Case No. 09-2673 (RRM) (RML)

v.

WEST ASSET MANAGEMENT,

**NOTICE OF PENDING SETTLEMENT**

Defendant.

-----X

Defendant, West Asset Management, by and through its undersigned counsel, hereby submits this Notice of Pending Settlement and states that the parties have reached a verbal settlement with regard to this case and are presently drafting, finalizing, and executing the settlement and dismissal documents. Upon execution of the same, the parties will file the appropriate dismissal documents with the Court. Accordingly, the parties respectfully request that the initial conference, presently scheduled for October 27, 2009 be adjourned for 60 days to allow time for the filing of an appropriate stipulation of dismissal.

Dated: Hackensack, New Jersey  
October 26, 2009

s/ Amir J. Goldstein, Esq.  
Amir J. Goldstein, Esq.  
591 Broadway, #3A  
New York, NY 11012

*Attorney for Plaintiff*

s/ Michael J. Cohen  
Michael J. Cohen, Esq.  
Winne, Banta, Hetherington,  
Basralian & Kahn, P.C.  
Court Plaza South – East Wing  
21 Main Street  
Hackensack, NJ 07601  
Telephone: (201) 487-3800  
mcohen@winnebanta.com

*Attorneys for Defendant,  
West Asset Management*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a copy of the foregoing documents was filed and served electronically via the court's electronic filing system upon Plaintiff's counsel of record, Amir J. Goldstein, Esq., 591 Broadway, #3A, New York, NY 11012. Parties may access this filing through the Court's system.

Dated: Hackensack, New Jersey  
October 26, 2009

s/ Michael J. Cohen  
Michael J. Cohen